

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting--March 1, 1977

The meeting of the Commission was called to order at 5:00 P.M. in the Council Chambers.

Present

Miguel Guerrero, Chairman
Barbara Chance
Gabriel Gutierrez
Sid Jagger***
Jean Mather
Dean Rindy**
Bill Stoll*
Nellie White

Also Present

Tom Knickerbocker, Assistant Director
of Planning
Duncan Muir, Planner
Brian Schuller, Planner
Betty Baker, Planning Technician
Jim Gotcher, Building Inspection Department
Bill Lowery, Urban Transportation Department
Dona Jakubowsky, Administrative Secretary

Absent

Freddie Dixon

*Arrived at 5:40 PM

**Arrived at 5:55 PM

***Arrived at 7:10 PM

ZONING

C14-69-145	The Cullom Company: 4600-4616 F.M. 969 (Martin Luther King Blvd.) 4301-4501 Springdale Road	<u>"A" Residence, 1st H & A to</u> <u>"C" Commercial, 1st H & A</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation the the request for "C" Commercial, 1st Height and Area be denied, but that "LR" Local Retail be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Joe Contrer (Representing Rylander Co.)

Mrs. Edward Brooks

Sharon S. Myers, 6407 Harwick Place

PERSONS APPEARING IN OPPOSITION

*Nadine Whitley (Pecan Springs Integrated Neighborhood Association)

*Olaf Schmidt, 3309 Pecan Springs Road

*Doris A. Daniels, 6114 Hylawn Drive

*Opposed to "C" Commercial, in favor of "LR" Local Retail.

COMMISSION ACTION:

The members reviewed the information presented. The applicant's representative, Mr. Joe Contrer, told the members that the applicant would agree to the "LR" Local Retail zoning and would build a market on the site instead of the proposed warehouse. Mr. Jagger made a motion to deny the request for "C" Commercial, but grant "LR" Local Retail. Ms. Chance seconded the motion.

COMMISSION VOTE:

To DENY the request of The Cullom Company for a zoning change from "A" Residence, 1st H & A to "C" Commercial, 1st H & A, but to GRANT "LR" Local Retail, 1st H & A on property located at 4600-4616 F.M. 969 (Martin Luther King Boulevard) and 4301-4501 Springdale Road.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

OUT OF ROOM: Messrs. Gutierrez and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-004	John W. Bradley, Jr: 4206 South First Street	"A" Residence, 1st H & A to "C" Commercial, 1st H & A
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to deny "C" Commercial on the entire tract, but grant "C" Commercial, 1st Height and Area excluding the rear five feet and "O" Office, 1st Height and Area on the rear five feet. Mr. Muir reminded the members that this application was postponed from their meeting on February 1, 1977 because the applicant was not present.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Anthony F. Wagner, 611 Clifford Drive
Texaco, Inc., 800 NW Loop 410, San Antonio, TX

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

John Bradley (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather asked the applicant, Mr. John Bradley, if he was requesting "C" Commercial so that he would be allowed to have outside storage. Mr. Bradley replied that he would have an outside display. Ms. Mather explained that the members were very concerned about allowing "C" Commercial into that area and asked Mr. Jim Gotcher of the Building Inspection Department, if the requested zoning was necessary for the proposed use. Mr. Gotcher answered that it was necessary to allow for the outside display. Mr. Jagger made a motion to deny the request for "C" Commercial on the entire tract, but to grant "C", excluding the rear five feet and "O" Office on the rear five feet. Ms. Mather seconded the motion.

COMMISSION VOTE:

To DENY the request of John W. Bradley, Jr. for a zoning change from "A" Residence, 1st H & A to "C" Commercial, 1st H & A on the entire tract, but to GRANT "O" Office on the western most 5 feet and "C" Commercial on the remainder of the tract, on property located at 4206 South First Street.

AYE: Messrs. Guerrero, Gutierrez, Jagger and Stoll; Mmes. Chance, Mather and White

NAY: Mr. Rindy

ABSENT: Mr. Dixon

THE MOTION PASSED BY A 7-1 VOTE.

C14-77-005	Kingstip Communications, Inc.:	"B" Residence, 2nd H & A to
	1904 Pearl Street	"O" Office, 2nd H & A (amended area)

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "O" Office, 2nd Height and Area be denied on the entire lot, but that it be granted on the westernmost 45 feet only. He added that the application had been postponed from a previous meeting, but the area being considered at this meeting includes the entire tract, which was in response to a request by the Commission members.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Marion B. Findlay, 910 West 19th Street

Mary Catherine & Darthula Wilcox, 809 West 19th Street

WRITTEN COMMENTS IN OPPOSITION

William Meacham (Inter-Cooperative Council)

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

Mike McHone

Cloretta Sheppard (College Houses)

Bob Russel (College Houses)

Suzanne Kelly (Inter-Cooperative Council)

Leonard Kersner (College Houses)

Bill Scarbrough

Paul Berkham

COMMISSION ACTION

The members reviewed the information presented. Mr. Don Bird, representing the applicant, presented a site plan to the members. He told the Commissioners that, although the zoning change request had been amended to include the entire lot, the applicant did not need the entire lot and still preferred to use just the back 45 feet off of the alley. Mr. Bird added that the applicant is willing to abide by any restrictions that the Commission feels should be imposed on the property, including limiting the parking spaces to eight, which would leave 15 feet between the parking lot and the existing house. The opposition expressed by those appearing was to the intrusion into the residential neighborhood. Ms. Mather said that she felt if the property is divided into two zoning categories there would be more of a danger of the house be removed and she also did not see any indication that the house will be maintained, and she then made a motion to deny the request. Mr. Gutierrez seconded the motion.

COMMISSION VOTE:

To DENY the request of Kingstip Communications, Inc. for a zoning change from "B" Residence, 2nd H & A to "O" Office, 2nd H & A (amended area), located at 1904 Pearl Street.

C14-77-005 Kingstip Communications, Inc.--Contd.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White
 ABSENT: Mr. Dixon

THE MOTION PASSED BY A 8-0 VOTE.

C14-76-106 American Bank, Executor: "B" Residence, 1st H & A to
904 West 23rd Street, also "B" Residence, 3rd H & A
bounded by West 24th Street (as amended)

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "B" Residence, 3rd Height, and Area be denied. He added that if the applicant is willing to dedicate one-half the additional right-of-way, five feet, necessary to expand West 24th Street from 60 to 70 feet in order to accommodate the increased traffic densities which can accompany uses permitted by more intensive zoning, the staff recommends that "B" Residence, 2nd Height and Area be granted.

Ms. White announced that she was withdrawing from discussion and vote on this application because she owns the properties located at 908 and 910 West 24th Street.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

William Meacham (Inter-Cooperative Council)
 Joe B. Frantz (The Texas State Historical Association)
 Frederick Hertz, 702½ West 23rd Street
 Robert Perry Fowler, 904 West 22½ Street
 Richard G. Hardin, P.O. Box 5182
 Lula Barrett, 906 West 23rd Street

PETITION of 73 names

PETITION of 16 names

PETITION of 20 names

PERSONS APPEARING IN FAVOR

Ed Padgett (Representing Applicant)
 David Armbrust (Representing Applicant)
 Margaret Lange Yeoman

PERSONS APPEARING IN OPPOSITION

Betty Pells Phillips
 John Timmons
 Richard Hardin
 Frances Schneider
 Mike Fossil (Inter-Cooperative Council)
 Mike McHone (College Houses)
 Brad Grant
 Wayne Goad

C14-76-106 American Bank, Executor--Contd.

Pat Holman
 Allison Kimberlyn
 Stephen Deutchman
 Daisy Barrett Tanner (Representing Lula Barret)
 Allene Brooks
 Virginia Salter

COMMISSION ACTION:

The members reviewed the information presented. Mr. Ed Padgett, representing the applicant, explained that he had a contract of sale pending on the subject property. In reference to the structure existing on the property, Mr. Padgett told the members that if his zoning change request is granted on the property, he will donate the house to the University in memory of Dr. Moore, who owned and resided in the house. The neighbors in appearance to oppose the request expressed concern for the probable increase in traffic, the problem of parking, and keeping a residential character to the neighborhood. Mr. Stoll asked Mr. Padgett how he felt about the staff recommendation to allow only "B", 2nd Height and Area. Mr. Padgett replied that he could live with the recommendation as far as the height limitation but not the density limitation. Ms. Mather said that she felt that the zoning that exists on the property now is dense enough and made a motion to deny the request for a zoning change. Mr. Rindy seconded the motion. Mr. Gutierrez stated that he wanted the people in the University area to be aware that if this application is turned down, the applicant still has "B" Residence, 1st Height and Area and, according to the staff, he could apply for a driveway permit from the Urban Transportation Department, and because this department is concerned about the traffic on 24th Street could very well grant an exit on 23rd Street. He continued that he wanted to be sure they understood that the house could still be towed away and 22 units built on the property.

COMMISSION VOTE:

To DENY the request of American Bank, Executor, for a zoning change from "B" Residence, 1st H & A to "B" Residence, 3rd H & A on property located at 904 West 23rd Street, also bounded by West 24th Street.

AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Chance and Mather
 NAY: Mr. Jagger
 ABSENT: Mr. Dixon
 OUT OF ROOM: Ms. White

THE MOTION PASSED BY A 6-1 VOTE.

C14-77-009	Walter Wendlandt, et al: 1611 Ben White Boulevard	"GR" General Retail, 1st H & A to "GR" General Retail, 2nd H & A
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and staff recommendation to deny the request for 2nd Height and Area on the entire tract but to grant 2nd Height and Area on the southern 30 feet of subject tract, which would leave 100 feet between the tract and the street line.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Walter Wendlandt (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Wendlandt, the applicant, explained that the request was made because the Southwood Shopping Center is being enlarged to include a Wiener's Jr. Department Store. He continued that Wiener's has a requirement that they have sign facilities on the street and it is felt that the best location for the sign is the location of the present sign. He said that the present sign is approximately 30 feet tall and they are proposing to raise it to 48 feet and they are willing to deed restrict the site to 48 feet. He told the members that if the sign is moved closer to the shopping center, some trees will have to be removed. He said that the other alternative is to build another sign to the east of the present sign, but they preferred not to do that, since it would add another sign in an area where a number of signs already exist. Ms. Mather mentioned that there have been other requests along Ben White that have been denied in the last few years and she would like to go along with the staff recommendation. Ms. Chance asked her why not just go along with the ordinance and deny the request, since granting it would set a precedent along Ben White Boulevard. Mr. Stoll reminded Ms. Chance that that is a zoning policy and not an ordinance. Ms. Mather made a motion to deny the request for 2nd Height and Area. Mr. Stoll seconded the motion.

COMMISSION VOTE:

To DENY the request of Walter Wendlandt, et al for a change in zoning from "GR" General Retail, 1st H & A to "GR" General Retail, 2nd H & A on property located at 1611 Ben White Boulevard.

AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Chance Mather and White

ABSENT: Messrs. Dixon and Jagger

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-010 Centex Furniture Outlet:
10206 North I.H. 35

Int. "AA" Residence, 1st H & A to
"DL" Light Industrial, 1st H & A

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

M.H. Crockett, Jr., P.O. Box 2066

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Carl F. Paul (Representing Applicant)

J.C. Turner, 1102 Newport

Frank Paul, 3411 North I.H. 35

Bob Turner, Route 1, Hutto, TX

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Carl Paul, representing the applicant, told the members that the proposed use is a golf club supply company. Mr. Rindy asked Mr. Paul why they needed the "DL" zoning. Mr. Paul replied that the business would include golf club repair and assembly. Mr. Stoll asked the staff, what can be done when the required privacy fences begin to deteriorate. Mr. Jim Gotcher of the Building Inspection Department, answered that if the fence is required it would be the duty of the Building Inspection Department to make sure that the fence stays in a good state of repair. He said that neighbors usually bring this kind of thing to their attention. Ms. Mather made a motion to approve the request for a zoning change. Mr. Gutierrez seconded the motion. Ms. White asked the staff why there were no comments about driveway entrances. Mr. Muir responded that the policy which has been developed does not deal with expressways because the express lanes do not have direct access and the driveways to the feeder roads are not considered to be as great a traffic safety hazard.

COMMISSION VOTE:

To GRANT the request of Centex Furniture Outlet for a zoning change from Int. "AA" Residence, 1st H & A to "DL" Light Industrial, 1st H & A on property located at 10206 North I.H. 35.

AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Messrs. Dixon and Jagger

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-012 Gregory J. Vasquez, Sr.--Contd.

COMMISSION VOTE:

To DENY the request of Gregory J. Vasquez, Sr. for a zoning change from "B" Residence, 1st E & A to "C" Commercial, 1st H & A on property located at 623 Wood Street, but GRANT "C" Commercial, 1st H & A excluding the northernmost 10 feet along Shoal Creek and the westernmost 15 feet, subject to a subdivision providing for a 10-foot environmental easement along Shoal Creek.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

OUT OF ROOM: Messrs. Gutierrez and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

C14-77-013 C.L. Hagood: "A" Residence, 1st H & A to
7801 Martin Luther King Jr. Blvd. "C" Commercial, 1st H & A
 and also bounded by Nixon Lane

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that the request for a zoning change be granted.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

None

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Ms. White said she was bothered by the continued encouragement of industrial use in this area, even though it is so designated in the Master Plan of 1961, because things have changed since that time and it may not be a good use now. Mr. Muir suggested that they may wish to elect an alternative that has been used in other cases, and that is to restrict the "C" Commercial zoning to the area with the building rather than the entire tract, and to zone the remainder of the tract at least "O" Office in order to provide access. Ms. Mather asked Mr. Muir if "O" Office zoning would allow the service station. Mr. Muir responded that service stations are first permitted in "LR" Local Retail, which would also serve the same purpose of creating less impact on the area. Ms. Mather made a motion to deny the request for "C" Commercial on the entire tract, but to grant "C" Commercial on the area of the building and "LR" Local Retail on the remainder of the tract. Ms. Chance seconded the motion.

C14-77-013 C.L. Hagood--Contd.

COMMISSION VOTE:

To DENY the request of C.L. Hagood for a change in zoning from "A" Residence, 1st H & A to "C" Commercial, 1st H & A, but grant "C" Commercial, 1st H & A on the area of the building and "LR" Local Retail, 1st H & A on the remainder of the tract, on property located at 7801 Martin Luther King Jr. Boulevard, also bounded by Nixon Lane.

AYE: Messrs. Guerrero and Gutierrez; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

OUT OF ROOM: Messrs. Jagger, Rindy and Stoll

THE MOTION PASSED BY A 5-0 VOTE.

C14-77-014 Mrs. George R. Felter Estate: Int. "AA" Residence, 1st H & A to
9204 Brown Lane "DL" Light Industrial, 1st H & A

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "DL" Light Industrial, 1st Height and Area be granted subject to additional street right-of-way of 15 feet.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Melvin M. Speir, 615 Lookout Drive, San Antonio, TX

E.C. Thomas, 1615 Dungan Lane

C.B. Smith, Sr., 2525 Wallingwood

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Jack Pevy (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Jack Pevy, representing the applicant, told the members that the applicant agrees with the staff recommendation. Ms. Mather asked if the applicant would be required to provide buffering on this tract if the "DL" zoning is granted. Mr. Jim Gotcher answered that he would be required to provide buffering between his property and the existing Int. "A" Residence, for all parking and loading areas. Ms. Mather made a motion to grant the request for a zoning change subject to 15 feet of additional street right-of-way. Ms. Chance seconded the motion.

COMMISSION VOTE:

To GRANT the request of Mrs. George R. Felter Estate for a zoning change from Int. "AA" Residence, 1st H & A to "DL" Light Industrial, 1st H & A

C14-77-014 Mrs. George R. Felter Estate--Contd.

on property located at 9204 Brown Lane, subject to 15 feet of additional street right-of-way on Brown Lane.

AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Chance Mather and White

ABSENT: Messrs. Dixon and Jagger

THE MOTION PASSED BY A 7-0 VOTE.

C14-77-015	John D. and Betty J. Pope: 704 West St. Johns Avenue	"A" Residence, 1st H. & A to "GR" General Retail, 1st H & A
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "GR" 1st Height and Area be granted subject to 15 feet of additional street right-of-way to accommodate the increased traffic which can be generated by more intensive zoning.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

C.B. Smith, Sr. (Northfair Shopping Center)

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

John Pope (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. John Pope, the applicant, told the members that he wants to get all the property he owns in this area zoned the same so he can sell it. Ms. Mather asked Mr. Pope if he agreed to the dedication of 15 feet of street right-of-way. Mr. Pope answered that he did. The Commission members expressed concern for the residential uses which exist very close to the subject tract. Mr. Muir pointed out the established zoning already in existence on the block and added that the existing zoning has already set a strong zoning precedent. Mr. Gutierrez agreed with Mr. Muir and said that the zoning is too intensive already, so he felt the request should be granted. He then made a motion to grant the request for a change in zoning, subject to a restrictive covenant requiring 6-foot privacy fence or hedge along the east property line and 15 feet of right-of-way on St. Johns Avenue. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of John D. and Betty J. Pope for a zoning change from "A" Residence, 1st H & A to "GR" General Retail, 1st H & A on

C14-77-015 John D. and Betty J. Pope--Contd.

property located at 704 West St. Johns Avenue, subject to a 6-foot solid privacy fence or hedge along the east property line and 15 feet of right-of-way on St. Johns Avenue.

AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Chance, Mather and White

ABSENT: Messrs. Dixon and Jagger

THE MOTION PASSED BY A 7-0 VOTE.

<u>C14-77-016</u>	<u>Betty W. Pells, et al:</u>	<u>"B" Residence, 2nd H & A to</u>
	911 West 23rd Street	<u>"A" Residence, 1st H & A (Tract 1)</u>
	2208 Pearl Street, also	<u>"BB" Residence, 1st H & A (Tract 2)</u>
	bounded by West 22½ Street	

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation to grant the request for a zoning change.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

William Meacham (Inter-Cooperative Council)
Lula Barret, 906 West 23rd Street

WRITTEN COMMENTS IN OPPOSITION

Marc Guy, 2400 Pearl Street
Jean A. Wilkinson, 2222 Pearl Street

PERSONS APPEARING IN FAVOR

Betty W. Pells (Applicant)
Stephen Deutchman
Mike Fossil (Inter-Cooperative Council)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Rindy made a motion to grant the request for a zoning change. Ms. Mather seconded the motion.

COMMISSION VOTE:

To GRANT the request of Betty W. Pells, et al for a zoning change from "B" Residence, 2nd H & A to "A" Residence, 1st H& A (Tract 1) and "BB" Residence, 1st H & A (Tract 2) on property located at 911 West 23rd Street, 2208 Pearl Street, also bounded by West 22½ Street.

AYE: Messrs. Guerrero, Guttierrez and Rindy; Mmes. Chance and Mather

ABSENT: Mr. Dixon

OUT OF ROOM: Messrs. Jagger and Stoll; Ms. White

THE MOTION PASSED BY A 5-0 VOTE.

C14-77-018	City of Austin; Property bounded by 4401-5607 East Ben White Blvd., 4400-5700 Burleson Road and a line approxi- mately 2,500 feet west of and parallel to Montopolis Drive	<u>Int. "AA" Residence, 1st H & A to</u> <u>"D" Industrial, 1st H & A and</u> <u>"A" Residence, 1st H & A</u>
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Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "D" Industrial, 1st Height and Area be granted excluding 5-foot strips of "A" Residence along Ben White Boulevard where necessary to regulate driveway access, subject to the following conditions:

1. compliance with the subdivision ordinance;
2. dedication of the following street right-of-way to accommodate the traffic which can be generated by industrial zoning:
 - a. 30 feet on the east side of Pleasant Valley Road,
 - b. 15 feet on both sides of Chapman Road,
 - c. 30 feet on Judson Road, and
 - d. 20 feet on the north side of Burleson Road;
3. compliance with the driveway limitation policy or agreements to bring existing non-conforming driveways into compliance as indicated in the report.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

Bill Stringer

Nelson Johnson

Mark Bryant, 3301 S. Pleasant Valley Rd.

Ben Matney

PERSONS APPEARING IN OPPOSITION

Oscar Gallegos (South Austin Neighborhoods East)

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather said that she understood the need to recognize the existing uses on the subject tract, but until there has been some planning at the intersection of Burleson Road and Pleasant Valley in respect to traffic and buffering she would like to see the application postponed and request the staff to study the plans that have been made for South Austin Neighborhoods East. Mr. Guerrero added that he would like to see the staff work with the established businesses also. Ms. White said she would like to know how much industrial area is available in the city and surrounding area

C14-77-018 City of Austin--Contd.

to help decide whether or not this area should be industrial. Ms. Mather made a motion to postpone the application indefinitely. Mr. Rindy felt there was a need to identify exactly what information the Commission wants and listed the following: 1) can the neighborhood and the land owners agree to restrictions that would allow "D" or "DL" zoning but would have increased buffering so that the appearance that the residents object to would be screened from them; 2) is it possible that that land could be attractively developed as "O" as recommended by the neighborhood or as "GR" or "LR"; 3) is it possible that we could zone the land east of Chapman Lane "GR" and the tract west of Chapman Lane "DL" or "D"? Ms. Mather agreed to add these suggestions to her motion for indefinite postponement. Ms. Chance seconded the motion. Mr. Stoll felt that a definite time limit should be set for the case to be heard and amended the motion to postpone for 90 days. Ms. Mather accepted the amendment. Ms. Chance seconded the amended motion.

COMMISSION VOTE:

To POSTPONE FOR 90 DAYS the request of the City of Austin for a zoning change from Int. "AA" Residence, 1st H & A to "D" Industrial, 1st H & A and "A" Residence, 1st H & A on property bounded by 4401-5607 East Ben White Boulevard, 4400-5700 Burleson Road and a line approximately 2,500 feet west of and parallel to Montopolis Drive.

- AYE: Messrs. Guerrero, Gutierrez, Rindy and Stoll; Mmes. Chance, Mather and White
- ABSENT: Messrs. Dixon and Jagger

THE MOTION PASSED BY A 7-0 VOTE.

<u>C14-77-019</u>	<u>City Council:</u>	<u>"D" Industrial, 3rd H & A to</u>
	Blocks bounded by 2801-3111	<u>"A" Residence, 1st H & A</u>
	Lyons Road, 704-850 Tillery	<u>(as amended)</u>
	Street, 2800-3112 Gonzales	
	Street (East 7th Street) and	
	701-851 Pleasant Valley Road	

Mr. Duncan Muir, representing the Planning staff, delivered the staff report and the staff recommendation that "A" Residence, 1st Height and Area be granted. He explained that this request was the result of a request by many property owners in this east Austin, single-family neighborhood on January 20, 1977 to the City Council.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

- Manuel L. Limon, Sr., 2919 Castro
- S. Cora Prado, 1115 East 8th St.
- Elias Soto, 3433 Bogeta Blvd., Dallas, TX

C14-77-019 City Council--Contd.

Frank R. Rundell, Austin Builders Supply Co., 311 Bowie

Joe L. Brown, P.O. Box 9216, Corpus Christi, TX

PETITION of 83 names

WRITTEN COMMENTS IN OPPOSITION

Thomas W. George (Representing Jack A. Smith)

Herbert Wiegler, St., Rt. 1, Box 243

Felix Rodriguez, Sr., 713 North Pleasant Valley Rd.

PERSONS APPEARING IN FAVOR

Raymond Campos

Father Joe Znotas (Representing Human Relations Committee)

Josephine Samorita

PERSONS APPEARING IN OPPOSITION

Mr. Jorge Guerra, 900 Linden St. (Representing Mrs. Cora Prado)

Betty Easton

Tom George (Representing Jack Smith)

Jack Smith

COMMISSION ACTION:

The members reviewed the information presented. Mr. Jack Smith, owner of one of the properties included in the area, asked that his property be excluded from the zoning rollback because he has plans for the property as a commercial development. Mr. Jagger asked Mr. Smith if he would be willing to place a site plan restriction on the property so that it would have to be used as he is now proposing. Mr. Smith replied that he would be willing to do that. Ms. Mather asked Mr. Smith to present a site plan showing the existing trees and the location of the buffering and the building. Mr. Smith agreed to do so. Mr. Gutierrez made a motion to grant the zoning change to "A" Residence on the subject properties with the exception of the properties owned by Mr. Jack Smith; Mr. Wiegler and Ms. Betty Easton, that the property owned by Mr. Rodriguez be zoned "LR" Local Retail, the Salazar property be allowed to remain as a non-conforming use as long as it is owned and operated as a cabinet shop, the Prado property at the corner of Tillery and Lyons be zoned "LR" Local Retail, that "GR" General Retail be granted on the property housing the body shop, and that a non-conforming use be allowed on the Centex property. He added as part of his motion that nothing be done about those sites on which businesses are contemplated but no definite plans have been made or construction begun. Ms. Mather seconded the motion.

COMMISSION VOTE:

To DENY the request of the City Council for a zoning change from "D" Industrial, 3rd H & A to "A" Residence, 1st H & A (as amended) on all properties, but to GRANT:

- a. "GR" General Retail, 1st H & A on Lot 24, Chernosky Subdivision, No. 14, owned by John Carrizales;
- b. "LR" Local Retail, 1st H & A on Lot 1, Chernosky Subdivision, No. 14, owned by John L. Prado, Jr.;

C14-77-019 City Council--Contd.

- c. "LR" Local Retail, 1st H & A on Lot 22, Block 1, Chernosky Subdivision, No. 11, owned by Felix Rodriguez; and
- d. "A" Residence, 1st H & A on all remaining properties excluding the properties indicated in later motions.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll;
Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

THE MOTION PASSED BY A 8-0 VOTE.

COMMISSION ACTION:

Mr. Gutierrez made a motion that Lot 25, Block 6, Chernosky Subdivision, No. 12, owned by Betty Easton and Lots 20-26, Block 2, plus the adjoining vacated Brass Street and alley, G.M. Brass Subdivision owned by Herbert Wiegler, et al be rolled back to "A" Residence, 1st H & A. Ms. Chance seconded the motion.

COMMISSION VOTE:

To APPROVE the request of the City Council for a zoning change from "D" Industrial, 3rd H & A to "A" Residence, 1st H & A (as amended) on Lot 25, Block 6, Chernosky Subdivision No. 12, owned by Betty Easton and Lots 20-26, Block 2, plus the adjoining vacated Brass Street and alley, G.M. Brass Subdivision owned by Herbert Wiegler, et al.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll;
Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

THE MOTION PASSED BY A 8-0 VOTE.

COMMISSION ACTION:

Mr. Gutierrez made a motion that Lots 2-6, Block 1 and Lots 13 and 14, Block 2, and the vacated property which used to be Brass Street, be allowed to remain at the present zoning of "D" Industrial. Mr. Jagger amended the motion to include a restrictive covenant limiting the development to the existing site plan to be reviewed by the Commission on March 8, 1977 and a letter authorizing the City to enforce the site plan. Mr. Gutierrez made a substitute motion to table the motion. Ms. Mather seconded the motion.

COMMISSION ACTION:

To LAY ON THE TABLE the motion to DENY the request of the City Council for a zoning change from "D" Industrial, 3rd H & A to "A" Residence, 1st H & A (as amended) on Lots 2 through 6, Block 1, Lots 13 and 14, Block 2 and the adjoining vacated Brass Street and alleys in the G.M. Brass Subdivision owned by Continental Water Conditioning Co., subject to a letter authorizing the City to enforce a site plan to be reviewed by the Planning Commission March 8, 1977.

C14-77-019 City Council--Contd.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll;
Mmes. Chance, Mather and White
ABSENT: Mr. Dixon

THE MOTION PASSED BY A 8-0 VOTE.

SPECIAL PERMITS

C14p-74-028 City of Austin: Site Plan Review (Landscaping)
800 West Rundberg Lane

Mr. Guerrero told the other members that a request for postponement had been received.

COMMISSION ACTION:

Ms. Mather made a motion to postpone the request for a special permit.
Mr. Gutierrez seconded the motion.

COMMISSION VOTE:

To POSTPONE the request of the City of Austin for a Site Plan Review (Landscaping) of the library site at 800 West Rundberg Lane.

AYE: Messrs. Guerrero and Gutierrez; Mmes. Chance, Mather and White
ABSENT: Messrs. Dixon, Jagger, Rindy and Stoll

THE MOTION PASSED BY A 5-0 VOTE.

C14p-77-005 Robert C. and Marie A. Holt: A day care center for a maximum
1907 Forestgalde Drive of 27 children.

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to deny the request as a negative impact into the surrounding single-family neighborhood and because the tract is not conducive to providing adequate access, buffering and off-street loading and unloading.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

William K. Johnson, 4703 Manchaca Road

WRITTEN COMMENTS IN OPPOSITION

Glenn and Margaret Brown, 4702 Everglade Drive

Ralph Everhard, 1902 Forest Glade Road

PERSONS APPEARING IN FAVOR

Robert Holt (Applicant)

Marie Holt (Applicant)

William K. Johnson, 4073 Manchaca Road

PERSONS APPEARING IN OPPOSITION

None

C14p-77-005 Robert C. and Marie A. Holt--Contd.

COMMISSION ACTION:

The members reviewed the information presented. The applicant, Mr. Robert Holt, told the members that he would provide a circular drive on Manchaca Road to help the traffic problem. Marie Holt, also the applicant, told the members that she and her husband had moved from this residence to another one and that she needed the additional income to pay the rent on this structure in order to keep the day care center there. Ms. White said that she had no objection to child care centers located in neighborhoods, but she felt that the limit of 12 children did protect the neighborhood. She said also that she agreed with the staff that the lot was too small for 27 children and made a motion to deny the request. Ms. Mather seconded the motion. Ms. Mather told the other members, after talking with the staff, that if the applicant is not living at the site of the center, a special permit is required even for 12 children, so the operation is illegal now. Mr. Schuller suggested that the Commission could grant a special permit for less than 27 children. Mr. Jagger felt that a special-permit should be granted for 12 children so that the operation would not have to be closed immediately. Ms. Chance made a substitute motion to grant a special permit for 12 children. Mr. Rindy seconded the motion. Mr. Jagger asked the applicant if he understood what was happening. Mr. Holt answered that he did and asked if the Commission would consider allowing 18 children. Mr. Jagger said that according to the staff report, 17 children would be allowed on this site. Ms. White said she felt that 12 children should be the maximum for a neighborhood such as this one. Mr. Holt asked if the Commission would consider 16 children, which would be only four more than are there now and he added that he would still provide the circular drive. Mr. Jagger made a substitute motion to the substitute motion to approve a special permit allowing 16 children, subject to departmental recommendations and ordinance requirements, with a one-way drive to be approved by the Urban Transportation Department. Mr. Guerrero seconded the substitute to the substitute motion.

COMMISSION VOTE:

To DENY the request of Robert C. and Marie A. Holt for a day care center for a maximum of 27 children, located at 1907 Forestglade Drive, but to APPROVE a special permit for a day care center for a maximum of 16 children, subject to ordinance requirements and departmental recommendations, with the provision of a one-way drive on Manchaca Road to be approved by the Urban Transportation Department.

- AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Chance and Mather
- NAY: Ms. White
- ABSENT: Mr. Dixon
- OUT OF ROOM: Messrs. Gutierrez and Stoll

THE MOTION PASSED BY A 5-1 VOTE.

C14p-77-006	Stephen A. Pyhrr: 9001 North Plaza	<u>A 15-unit apartment complex called, Courtlandt Place Condominiums, Phase II.</u>
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Mr. Guerrero told the other members that the applicant had requested a postponement of this application.

COMMISSION ACTION:

Ms. Mather made a motion to postpone the request for a special permit. Mr. Gutierrez seconded the motion.

COMMISSION VOTE:

To POSTPONE the request of Stephen A. Pyhrr for a 15-unit apartment complex called, Courtlandt Place Condominiums, Phase II, located at 9001 North Plaza.

AYE: Messrs. Guerrero and Gutierrez; Mmes. Chance, Mather and White
ABSENT: Messrs. Dixon, Jagger, Rindy and Stoll

THE MOTION PASSED BY A 5-0 VOTE.

C14p-77-004	H.L. Buie: 6325 U.S. Highway 290	<u>A Muffler Shop.</u>
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Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit subject to ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

None

PERSONS APPEARING IN FAVOR

H.L. Buie (Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. The applicant, Mr. H.L. Buie, told the members that he was in agreement to the staff comments except for the sidewalk requirement on Highway 290 and Berkman Drive. He explained that if a sidewalk was constructed at that location it would not go anywhere. Mr. Schuller explained that this was not a departmental recommendation but an ordinance requirement and, as such, cannot be waived by the Commission. Mr. Gutierrez made a motion to approve the special permit subject to ordinance requirements and departmental recommendations. Ms. Mather seconded the motion.

C14p-77-004 H.L. Buie--Contd.

COMMISSION VOTE:

To APPROVE the request of H.L. Buie for a muffler shop to be located at 6325 U.S. Highway 290, subject to ordinance requirements and departmental recommendations.

AYE: Messrs. Guerrero and Gutierrez; Mmes. Chance, Mather and White
 ABSENT: Messrs. Dixon, Jagger, Rindy and Stoll

THE MOTION PASSED BY A 5-0 VOTE.

C14p-77-007 R.J. Kelly, D.V.M.: A Veterinary Clinic.
3701 Guadalupe Street

Mr. Brian Schuller, representing the Planning staff, delivered the staff report and the staff recommendation to approve the request for a special permit subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

Odas Jung, 3711 Guadalupe
 O.D. Kendrick, 3701 Guadalupe #104

WRITTEN COMMENTS IN OPPOSITION

Errol Yaring, 500 W. 38th Street

PERSONS APPEARING IN FAVOR

Dr. O.D. Kendrick (Representing Applicant)

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION:

The members reviewed the information presented. Mr. Guerrero asked where the entrance/exit was. Dr. O.D. Kendrick, representing the applicant, responded that there were two, one on 37th Street and one on the alley. Ms. Chance asked how many parking spaces were available for use. Dr. Kendrick answered that there were 21 parking spaces, which is the number required by City ordinance. He explained that the operation would be for out-patient clientele and there would be no boarding. Ms. Mather made a motion to approve the special permit subject to ordinance requirements and departmental recommendations. Ms. Chance seconded the motion.

COMMISSION VOTE:

To APPROVE the request of R.J. Kelly, D.V.M. for a veterinary clinic to be located at 3701 Guadalupe Street, subject to ordinance requirements and departmental recommendations.

AYE: Messrs. Guerrero, Gutierrez and Stoll; Mmes. Chance, Mather and White

ABSENT: Messrs. Dixon, Jagger and Rindy

THE MOTION PASSED BY A 6-0 VOTE.

C14p-77-008	J.R. Reneau, M.D.: Property bounded by West Duval Road, Angus Road and Thunder Creek Road	<u>A medical and dental office clinic.</u>
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Mr. Brian Schuller, representing the Planning staff delivered the staff report and the staff recommendation to approve the special permit subject to compliance with ordinance requirements and departmental recommendations.

CITIZEN COMMUNICATION

WRITTEN COMMENTS IN FAVOR

W.J. Marsh, 5100 Powder River
Pete Laurite, 507 West 37th Street
E.J. Hood, 11905 Mustang Chase
Nolan A. Richardson, 11713 Matrona Drive
M.P. Eyerley, 9513 Burnet Road

WRITTEN COMMENTS IN OPPOSITION

Kathy Hardy, 5003 Powder River Road
Roy E. Butz, 12101 Mustang Chase
Lawrence Scharfer, 11704 Elk Park Lane
Terry L. Young
Julian and Lynn Smart, 11710 Natrona
Norman Trummell, 5109 W. Duval Road
Warren and Annette Hewgley, 11802 Gateway
James L. and Roseann L. Shorey, 11900 Mustang Chase
James and Texana Karvis, 5003 W. Duval Road
Mr. and Mrs. Harlan Woods, 11800 Gateway
Raymond K. Freeman, 3011 W. Duval Road
Mr. and Mrs. Tom Lanham, 3106 Dull Knife
Blaine and Donna Coffey, Jr., 1501 W. Duval Road
Edison A. and Ann L. Stringer, 5006 Duval Road
James M. Williamson, 11807 Mustang Chase
Kevin Roth, 11714 Natrona Drive
James F. Dohse, 11801 Mustang Chase
Kenneth Morgan, 11804 Mustang Chase
Mrs. Dan Matthews, 5102 Powder River Road
Mrs. Russell Williams, 4904 Powder River Rd.
Charline Cain, 5010 Powder River Road
Mr. and Mrs. Leslie Rodgers, 11911 Gateway
Mr. and Mrs. Leslie Rieger, 11901 Gateway
Bill and Patti Carico, 11910 Gateway
Mrs. Wayne D. Johnson, 11909 Mustang Chase
David J.M. Clintic, 5012 Powder River Rd.
Harry L. Beglau, 5001 Powder River Road
Karen A. Richardson, 4903 Powder River Road
Barbara and Hel DeShong, 3901 Galacia
Ken and Sally Lewis, 5107 W. Duval
Charles R. and Connie F. Kinney, 5103 W. Duval

C14p-77-008 J.R. Reneau, M.D.--Contd.

William and Birdy Crane, 5111 W. Duval Rd.
 Marilyn Mish, 5020 Dull Knife
 Larry J. Skiles, 5110 Powder River Road
 Charles Dulak, 11712 Natrona Drive
 Lillian M. Brown, 11806 Mustang Chase
 Cecil L. Elwell, 11804 Gateway

PERSONS APPEARING IN FAVOR

J.R. Reneau, M.D. (Applicant)

PERSONS APPEARING IN OPPOSITION

Larry M. Deuser, 11800 Mustang Chase
 Ford M. Ivey, 11706 Natrona
 Art Estes, 11702 Natrona
 Rose Ann L. Shorey, 11900 Mustang Chase
 Kenneth Morgan
 Ford Agnew
 Elvin Stuckley
 Jim Brown
 Charles Kinney, 5103 W. Duval
 William Crane, 5111 W. Duval

COMMISSION ACTION:

The members reviewed the information presented. Ms. Mather said that she considered this one of the nicest site plans that the Commission has seen and that it is unfortunate that it isn't located on property that is already zoned for it. Mr. Jagger felt that the plan had too much impervious coverage and suggested that if the entire tract was used for building and parking the impervious coverage could be reduced to an acceptable amount. Ms. Chance agreed with Mr. Jagger and explained to the neighborhood that this tract of land, because of its location, would probably never be developed with single family residences, but may be developed with duplexes and apartments. She continued that the use that is proposed by Dr. Reneau may be better for the neighborhood if the plan is changed as suggested by Mr. Jagger. She then made a motion to deny the request for a special permit. Ms. Mather seconded the motion.

COMMISSION VOTE:

To DENY the request of J.R. Reneau, M.D. for a medical and dental office clinic to be located on property bounded by West Duval Road, Angus Road and Thunder Creek Road.

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

OUT OF ROOM: Messrs. Gutierrez and Stoll

THE MOTION PASSED BY A 6-0 VOTE.

SPECIAL MOTION

COMMISSION ACTION:

Mr. Rindy said that he felt that there is a need for an amendment to the City ordinance or the Building Code requiring site plan or landscape buffering approval whenever an application for a building permit is submitted for a use of higher intensity than any existing residential use adjacent to the site. The other members were in agreement with his suggestion. Mr. Rindy made a motion to request that the Planning Department present the Commission with appropriate language amending the appropriate City ordinances or the City Building Code to require site plan approval for the portion of a higher intensity use that is adjacent to residential property prior to issuance of a building permit. Ms. Mather seconded the motion.

COMMISSION VOTE:

To request that the Planning Department present the Planning Commission with appropriate language amending the appropriate City ordinances or the City Building Code to require site plan approval for the portion of a higher intensity use that is adjacent to residential property prior to issuance of a building permit.

AYE: Messrs. Guerrero, Gutierrez, Jagger, Rindy and Stoll; Mmes. Chance, Mather and White
 ABSENT: Mr. Dixon

THE MOTION PASSED BY A 8-0 VOTE.

SUBDIVISIONS

R105-77 Subdivision Memorandum
 Short Form and Final Subdivisions as listed on the Subdivision Memorandum. Action taken at meeting.

SHORT FORM SUBDIVISIONS--FILED AND CONSIDERED

The following short form subdivisions have appeared before the Commission in the past and all departmental requirements have been complied with. The staff recommends approval of these plats. The Commission then

VOTED: To APPROVE the following short form subdivision:

C8s-77-21 2nd Resub. of Lots 25 & 26, Blk. 4, Broadacres
 Jeff Davis Avenue

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Chance, Mather and White
 ABSENT: Mr. Dixon
 OUT OF ROOM: Messrs. Gutierrez and Stoll

Short Form Subdivisions--Contd.

The Commission then

VOTED: To POSTPONE the following short form subdivision, pending clarification of proposed use and access from U.S. 183.

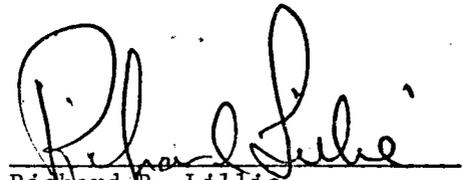
C8s-75-101 Randall A. Miller Subdivision
Rosie Drive

AYE: Messrs. Guerrero, Jagger and Rindy; Mmes. Chance, Mather and White

ABSENT: Mr. Dixon

OUT OF ROOM: Messrs. Gutierrez and Stoll

THE MEETING ADJOURNED AT 11:55 PM.



Richard R. Lillie
Executive Secretary